

properly interpret and apply the Immigration and Nationality Act (INA) Petitioner brings this action **to seek immediate release.**

2. On November 25, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (Nov. 25, 2025 C.D. Cal.) (Order Granting Plaintiff-Petitioners' Motion for Class Certification, incorporating declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. Petitioner is a member of the Bond Denial Class, as he:
 - a. does not have lawful status in the United States and is currently detained at the Otay Mesa Detention facility after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on or about September 24, 2025];
 - b. entered the United States without inspection in 2022 and was not detained immediately after arrival, *cf. id.*; and
 - c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
4. Petitioner's detention on December 28, 2025, is also in violation of Due Process Clause of the Fifth Amendment to the U.S. Constitution Procedural Due Process and Substantive Due Process.
5. The Court should expeditiously grant this petition.
6. The Court should order Petitioner's immediate release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

7. Petitioner is in the physical custody of Respondents and Immigration and Customs Enforcement (ICE), an agency with the Department of Homeland Security (DHS). He is

detained at the Otay Mesa Detention Center in San Diego, California and is under the direct control of Respondents and their agents.

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, clause 2 of the United States Constitution (the Suspension Clause).
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
11. Nothing in the INA deprives this Court of jurisdiction, including 8 U.S.C. §§ 1252(b)(9),(f)(1), or 1226(e). Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v Rodriguez*, 138 S. Ct. 830, 839-41 (2018) (holding that 8 U.S.C. §§ 1252(b)(9) and 1226(e) do not bar review of challenges to prolonged immigration detention).

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), the venue lies in the United States District Court for the Southern District of California, the judicial district in which the Petitioner is currently in custody.
13. Venue is also properly vested in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies in the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of California.

PARTIES

14. Petitioner is a citizen of Guatemala who most recently arrived in the United States on or about January 13, 2012, as an unaccompanied minor. At present, he has been in custody of the Department of Homeland Security (DHS) since December 28, 2025. Since that time he has not had any hearings although his cases is docketed with the Santa Ana Immigration Court and is currently administratively closed.
15. Christopher J. Larose the Warden of Otay Mesa Detention Center is Petitioner's Immediate Custodian.
16. Gregory J. Archambeault, the Acting Director of the San Diego District Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. As such, Mr. Archambeault is Petitioner's immediate custodian. He is named in his official capacity.
17. Respondent Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of respondent Gregory J Archambeault and ICE in general. Respondent Lyons is a legal custodian of Petitioner.
18. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (OHS) and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.
19. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
20. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

21. Respondent U.S. Immigration Customs Enforcement is the federal agency responsible for custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of non-citizens.

STATEMENT OF FACTS

22. Petitioner, Mario Juan-Tomas entered the U.S on January 13, 2012. He has worked and lived in the United States since that time. He has filed his taxes since 2012.

23. On March 5, 2018 Petitioner married U.S. Citizen Rosa Estela Perez Gonzalez, union which produced U.S. Citizen son [REDACTED] Petitioner also has two additional minor U.S. Citizen children, [REDACTED]. Petitioner has been a fundamental part of his community for the past fourteen (14) years.

24. As an unaccompanied minor, the DHS released Petitioner to the Office of Refugee Resettlement - the Southwest Key Minors Shelter.

25. Petitioner was eventually placed in Removal Proceedings that were administratively closed by the Immigration Court with DHS' agreement.

26. On December 28, 2026, Petitioner was near a military base when he was stopped by DHS and taken into custody and processed to Otay Mesa Detention Center. .

27. On February 12, 2026, an Immigration Judge conducted a bond hearing and found no jurisdiction because alleging that the plain language of section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission. See Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

28. Petitioner remains detained without bond at Otay Mesa Detention Center. His removal proceedings remain pending before the Santa Ana Immigration Court.

CLAIMS FOR RELIEF

Violation fo the INA:

First Claim Request for Relief Pursuant to *Maldonado Bautista*

29. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
30. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
31. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners' statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution
Procedural Due Process**

32. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.
33. Petitioner has a vested liberty interest in his immediate release from immigration custody. Due Process does not permit the government to strip him of that liberty without a hearing before a neutral adjudicator. See *Morrissey*, 408 U.S. at 487-488.
34. When the government fails to provide a required bond hearing, or when that hearing is rendered a "pro forma"; exercise, **immediate release is the only adequate remedy**. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), when detention loses its relationship to its underlying purpose—such as when there is no significant likelihood of a lawful hearing or removal in the reasonably foreseeable future—it loses its legal justification.

**Second Claim Violation of the Due Process Clause of the Fifth Amendment to the U.S.
Constitution
Substantive Due Process**

35. The Due Process Clause of the Fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.
36. Due Process does not permit the government to strip Petitioner of liberty without it being tethered to one of the two constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger.
37. Petitioner, throughout his fourteen (14) years in the community has procreated and provided for three U.S. Citizen minor children. Petitioner previous compliance with DHS and EOIR during proceedings demonstrate he is not a flight risk.
38. Civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See Jones, 393 F.3d at 934.
39. The government's arrest of Petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner and return him to the position he was in prior to his detention;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

/s/Lilia Rodriguez
Attorney Name

Counsel for Petitioner

Dated: 4.3.26

	Exhibits	
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1	Notice to Appear dated 1.16.2012 Showing Petitioner's Initial Classification as an Unaccompanied Minor	11-12
2	Petitioner's Marriage Certificate and U.S. Citizen Children's Birth Certificates	13-17
3	Immigration Judge's Order Denying Bond	18-20
4	EOIR Case Portal showing Removal Proceedings Administratively Closed 9/27/2022	21-22

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Mario Juan-Tomas, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 3rd day of April, 2026.

/s/ Lilia Rodriguez
Attorney Name